

**To:** Lee, Monica[[Lee.Monica@epa.gov](mailto:Lee.Monica@epa.gov)]  
**From:** Daguillard, Robert  
**Sent:** Tue 8/18/2015 2:48:01 PM  
**Subject:** RE: OPS Action; Inside EPA; CWA interpretive rule

Thanks. Also, the Gray TV reporter is prompting again, as I suspected, so I'll likely just refer him to you if that's OK. He's also approached Christie about doing an on-Camera in Durango.

**From:** Lee, Monica  
**Sent:** Tuesday, August 18, 2015 10:46 AM  
**To:** Loop, Travis; Daguillard, Robert  
**Cc:** Han, Kaythi  
**Subject:** RE: OPS Action; Inside EPA; CWA interpretive rule

Agree with Travis, GTG

**From:** Loop, Travis  
**Sent:** Tuesday, August 18, 2015 10:34 AM  
**To:** Daguillard, Robert  
**Cc:** Han, Kaythi; Lee, Monica  
**Subject:** Re: OPS Action; Inside EPA; CWA interpretive rule

Let's drop first sentence.

Travis Loop

Communications Director for Water

U.S. Environmental Protection Agency

Phone: 202.870.6922

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On Aug 18, 2015, at 10:28 AM, Daguillard, Robert <[Daguillard.Robert@epa.gov](mailto:Daguillard.Robert@epa.gov)> wrote:

Thank you Kaythi. Monica?

Sent from my iPhone

On Aug 18, 2015, at 9:19 AM, Han, Kaythi <[Han.Kaythi@epa.gov](mailto:Han.Kaythi@epa.gov)> wrote:

Robert,

Sorry for the delay in getting this to you. Here's the OGC-approved response:

EPA values public participation and input and frequently chooses in its discretion to engage with the public voluntarily to inform and improve agency decision-making. EPA has previously sought comment or conducted other outreach on a number of guidance documents and interpretations and continues to view this as case-by-case programmatic/policy choice. In this case, EPA had committed to states and tribes prior to the Supreme Court's Mortgage Bankers decision that the public would have an opportunity to provide comments on this interpretation. Another reason EPA viewed notice and comment as appropriate in this case (notwithstanding the absence of a legal requirement) is that the original interpretation that EPA proposes to revise was itself announced as part of the preamble to a legislative rule that went through notice and comment, and thus it seems appropriate to mirror that process for the revised interpretation.

**From:** Daguillard, Robert  
**Sent:** Saturday, August 15, 2015 2:59 PM  
**To:** Han, Kaythi  
**Cc:** Loop, Travis; Lee, Monica  
**Subject:** RE: OW Action; Inside EPA; CWA interpretive rule

Got it. Thanks.

**From:** Han, Kaythi  
**Sent:** Friday, August 14, 2015 6:00 PM  
**To:** Daguillard, Robert  
**Cc:** Loop, Travis; Lee, Monica  
**Subject:** Re: OW Action; Inside EPA; CWA interpretive rule

Looks like we will get something from the team on Monday.

On Aug 13, 2015, at 3:33 PM, Daguillard, Robert <[Daguillard.Robert@epa.gov](mailto:Daguillard.Robert@epa.gov)> wrote:

Good afternoon all

A quick follow-up on this. Please advise.

Thanks, R.

**From:** Loop, Travis  
**Sent:** Wednesday, August 12, 2015 5:29 PM  
**To:** Daguillard, Robert  
**Cc:** Han, Kaythi; Lee, Monica; Neugeboren, Steven  
**Subject:** Re: OW Action; Inside EPA; CWA interpretive rule

We will work with Steve and his team and OW staff and get back to OPA with a response tomorrow.

Travis Loop

Communications Director for Water

U.S. Environmental Protection Agency

Phone: 202.870.6922

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On Aug 12, 2015, at 5:21 PM, Daguillard, Robert <[Daguillard.Robert@epa.gov](mailto:Daguillard.Robert@epa.gov)> wrote:

+ Steve Neugeboren

**From:** Han, Kaythi  
**Sent:** Wednesday, August 12, 2015 5:15 PM  
**To:** Daguiard, Robert; Loop, Travis; Lee, Monica  
**Subject:** RE: OW Action; Inside EPA; CWA interpretive rule

Per Travis, OGC will have to weigh in as well. Could you run it by them?

**From:** Daguiard, Robert  
**Sent:** Wednesday, August 12, 2015 5:07 PM  
**To:** Han, Kaythi; Loop, Travis; Lee, Monica  
**Subject:** RE: OW Action; Inside EPA; CWA interpretive rule

K. Thanks.

**From:** Han, Kaythi  
**Sent:** Wednesday, August 12, 2015 5:05 PM  
**To:** Daguiard, Robert; Loop, Travis; Lee, Monica  
**Subject:** RE: OW Action; Inside EPA; CWA interpretive rule

I don't think we can get something by the deadline... but I'll sent this on to the program.

**From:** Daguiard, Robert  
**Sent:** Wednesday, August 12, 2015 4:59 PM  
**To:** Han, Kaythi; Loop, Travis; Lee, Monica  
**Subject:** OW Action; Inside EPA; CWA interpretive rule

DDL 6 pm; feasible?

**From:** Bridget DiCosmo [<mailto:bdicosmo@iwpnews.com>]  
**Sent:** Wednesday, August 12, 2015 4:02 PM

**To:** Daguillard, Robert  
**Subject:** CWA interpretive rule

Hi, Robert,

Some folks are saying that because EPA issued this proposed interpretive rule for public comment in accordance with the Administrative Procedure Act (aug 7 register, Revised Interpretation of Clean Water Act Tribal Provision) it could hint at EPA acknowledging limits on interpretive rules even in the wake of the March 9 Supreme Court decision in *Perez, et al., v. Mortgage Bankers Association (MBA), et al.* Can I get a comment on this by 6 p.m., please?

[http://insideepa.com/sites/insideepa.com/files/documents/aug2015/epa2015\\_1682.pdf](http://insideepa.com/sites/insideepa.com/files/documents/aug2015/epa2015_1682.pdf)

Many thanks,  
Bridget

Bridget DiCosmo  
Inside EPA  
1919 S. Eads St.  
Arlington, VA 22202  
703-562-8748  
[bdicosmo@iwpnews.com](mailto:bdicosmo@iwpnews.com)